IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.4911 of 1999

Tamilnadu Revenue Department Office
Assistants Association, Tuticorin
District, by its President,
R.Sudalai, 141/A2, Taluk Office Road,
Tiruchendur .. Petitioner

vs.

1. The District Collector,
   Tuticorin District, Tuticorin

2. The District Revenue Officer,
   Tuticorin District, Tuticorin

3. The Revenue Divisional Officer
   Tiruchendur, Tuticorin District

4. The Tahsildar, Tiruchendur Taluk,
   Tiruchendur .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.E3.64377/98, dated 24.12.1998 and quash the same and further direct the respondents to hand over the vacant physical possession of the enjoyment of the land and building bearing door Nos.141-A2 and 141-A3 and bearing survey No.223/2, Kela Tiruchendur Village, Tiruchendur Taluk to the petitioner's association.

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For petitioner : Mr.M.Aniruthan

For respondents : Mr.V.Manoharan
Government Advocate

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O R D E R

Heard Mr.M.Aniruthan, the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

2. This writ petition has been filed challenging the cancellation of the allotment of 5 cents of vacant land in survey No.223/2, Kela Tiruchendur Village made in favour of the petitioner. The petitioner is an Association consisting of employees of the Revenue Department of the Government of Tamil Nadu.

3. The main contention of the petitioner is that the land in question was allotted to the petitioner Association for running a canteen and a job typing office, without any precondition. However, the impugned order has been passed by the first respondent stating that the conditions of allotment had not been complied with and that the land was used by the petitioner for other purposes.

4. In the counter-affidavit filed on behalf of the respondents, it has been stated that the land allotted to the petitioner Association had been occupied unauthorisedly and since the Tahsildar, Tiruchendur, had initiated action to resume the land and building, as directed by the Collector, Thoothukkudi, the unauthorised occupants had vacated the building and the land, on 4.3.1999.

5. From the records available before this Court it is seen that at the time of the admission of the writ petition no interim order had been passed by this Court.

6. It is submitted by the learned counsel appearing for the petitioner that the land had not been re-allotted to any other person or Association till date. It is also submitted that the petitioner may be permitted to make a representation to the fourth respondent for allotment of the said land in question to the petitioner Association.

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7. Considering the submissions made by the learned counsels appearing for the petitioner as well as the respondents, the petitioner is permitted to make a representation to the fourth respondent. On such representation being made, the fourth respondent is expected to consider the same and pass appropriate orders thereon, on merits and in accordance with law, expeditiously.

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The writ petition is disposed of accordingly. No costs.

sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The District Collector,
   Tuticorin District, Tuticorin

2. The District Revenue Officer,
   Tuticorin District, Tuticorin

3. The Revenue Divisional Officer
   Tiruchendur, Tuticorin District

4. The Tahsildar, Tiruchendur Taluk,
   Tiruchendur

+ one cc to Mr. M. Aniruthan, Advocate, SR.69921.
+ one cc to the Government Plrader, SR.69474.

JM(CO)
RP 6/12/2007.

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